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MEMORANDUM

PUBLIC VERSION

TO: The Chairman and Members of the Commission
Robert Howatt, Executive Director

FROM: Lisa B. Driggins, Public Utilities Analyst 

DATE: October 10, 2017

SUBJECT: In the Matter of the Application of MCI Access Transmission Service Corp. for the Approval of Safety Valve Relief
(Filed September 27, 2017) - PSC Docket No. 17-1060

Case Background:

On September 27, 2017, MCI Access Transmission Service Corp. ("MCI") filed with the Delaware Public Service Commission (the "Commission") a "safety valve" application (the "Application") seeking to acquire one block of 1000 additional numbers for one of its corporate customers in Lewes Rate Center located in Sussex County, Delaware after its request was denied by NeuStar, Inc. ("NeuStar"), the Federal Communications Commission ("FCC") designated "North American Numbering Plan Administrator" ("NANPA") and its "National Thousands Block Numbering Pool Administrator" ("PA" and collectively with NANPA, "NANPA/PA").

To obtain additional number blocks of telephone numbers from NeuStar, the FCC requires a telecommunications carrier to demonstrate to the NANPA/PA that: (1) the rate center equals or exceeds a 75% utilization level (meaning that the carrier is using at least 75% of the assigned numbers); and (2) its existing inventory of number resources within a particular rate center will exhaust within six (6) months (referred to as "months to exhaust" and hereinafter "MTE").

According to the Application, MCI previously filed an application with NeuStar (the "NeuStar Application") seeking one set of a thousand number block to serve a Delaware

customer (a copy of which was attached to MCI's proprietary version of its safety valve application). NeuStar asserts that the request for one set of 1000 telephone numbers was denied because MCI did not meet the MTE and /or Utilization requirements for the rate center. The utilization rate for the rate center was calculated to be 46.8%. This is below the NANPA/PA's utilization rate threshold of 75%.

Request for Safety Valve Relief:

Under 47 C.F.R. § 52.15(g)(4), a state commission may grant "safety valve" relief allowing a carrier to obtain additional NXX numbers even if the NANPA/PA initially denies such a request.¹ By PSC Order No. 7183 entered on May 22, 2007, the Commission adopted a process for reviewing these "safety valve" applications.² MCI's Application requests safety valve relief to obtain one thousand (1000) telephone numbers it requested, but was initially denied under the Neustar Application.

As set forth in PSC Order No. 7183, any carrier seeking "safety valve" relief shall submit an application to the Commission that contains certain information to allow the Commission to make a reasoned determination. Each of the four (4) requirements and MCI's response to that requirement is set forth below:

(1) A compelling and permissible need for the requested additional numbering resources (with appropriate reference to FCC Rules or Orders).

MCI, a wholly-owned subsidiary of Verizon Communications, Inc., states that one of its Delaware customers, ___REDACTED___, has an urgent need for 1000 consecutive telephone numbers. MCI does not have the current inventory to satisfy this customer's requirements. According to the Third Report and Order and Second Order on Recon. in CC Dkt. No. 96-98 and CC Dkt. No. 99-220, at ¶¶ 61-64, 17 FCC Rcd. 252 (2001) (the "Third Order"), a state commission may grant a carrier's safety valve request when the carrier receives a specific customer request for numbering resources that exceeds the carrier's available inventory. MCI is unable to meet this customer's specific needs of consecutive telephone numbers without obtaining additional numbering resources.

(2) A description as to why the granting of the particular application will not run the risk that numbering resources will be inefficiently used.

Granting MCI's Application will not result in inefficiency because MCI will use the additional numbering resources for only this specific customer, ___REDACTED___. Further, MCI agrees to return the numbering resources to NeuStar if the customer request is withdrawn or

¹ 47 C.F.R. § 52.15(g)(3)(iv) provides, in pertinent part, as follows: "The state commission may affirm or overturn the NANPA's decision to withhold numbering resources from the carrier based on its determination of compliance with the reporting and numbering resource application requirements herein."

² As allowed by PSC Order No. 7183, Robert Howatt, Executive Director, has designated Lisa Driggins, a Public Utility Analyst, to review the application and prepare a memorandum of findings and recommendations.

declined. MCI further agrees that it will not retain the numbering resources to serve other customers without first meeting the FCC's growth numbering resource requirements per ¶64 of the Third Order.

(3) Written evidence that the NANPA or PA has rejected the carrier's direct request for the additional number resources.

MCI's Application included: (1) a copy of the Neustar Application seeking one consecutive block of one thousand (1000) numbers in the KGPRPADODS0 switch in the Lewes Rate Center; (2) a copy of the NANPA/PA's response denying the request; and (3) a letter from the customer to Verizon Business Services further detailing the need for the one thousand (1000) telephone numbers.

(4) Describe any long-term impact to numbering resources if the request is granted.

MCI asserts that there would be no long-term impact to the numbering resources in the State of Delaware. MCI states that with a total of 60,000 numbers in the Lewes rate center, this request represents less than 2% of the rate center's available total numbering resources. As such, MCI's request represents a modest percentage of available resources and will not adversely impact the rate center's numbering resources.

Recommendation:

Staff has reviewed MCI's Application and finds that it has addressed the requirements set forth in PSC Order No. 7183 for the Commission to authorize the NANPA to release MCI's requested numbering resources. Thus, Staff respectfully recommends that the Commission grant such request and direct that NeuStar, as the NANPA/PA, release the numbering resources to MCI.

CC: Bonnie Metz, Verizon Attorney
Andrew Slater, Division of Public Advocate